IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2107 OF 2004

Union of India & Ors. ..Petitioners.

Vs.

Kamlesh Warware ..Respondent.

....

Mrs. Neeta Masurkar for the petitioners.
Mr. Rahul Walia i/b Mr. G.S. Walia for the respondent.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

3rd November, 2004.

P.C. :

1. The petitioner, Union of India is aggrieved by the order of the Central Administrative Tribunal dated 7th October, 2003. The Central Administrative Tribunal mentioned in the order that while examining the merits of submissions made by the learned counsel for the parties, it arrived at the conclusion that the two applications by the same name were submitted under Sr. No.9 for Apprentice Supervisor (P Way). It is not in dispute that the applicant was not qualified for the said post. It is not known as to whether in the other application submitted in the same name anybody has appeared. It is also noticed that the signature in both the previous applications were not similar. Be that as it may, nobody was

selected in the last examination for the post of supervisor (P Way).

2. The Tribunal also mentioned that it is noted that the applicant submitted a fresh application for the post of Apprentice Diesel/ Electric Assistant Driver pursuant to the Employment Notice No.1/2001. While processing the said application, it was open to the respondents to reject the application on the ground that earlier the applicant had twice submitted the forms. On the contrary, respondent No.3 has accepted not only the application but permitted him to sit in the written test and directed the applicant to undergo the other official procedure. At no point of time, the authorities made this fact known to the applicant that on earlier occasion he submitted two applications. Had respondents brought this fact to the notice of the applicant, he could have as well explained the situation, whether he did in fact apply through some other person or not. After the applicant being selected in the examination following which the respondents also fully satisfied with regard to the other requirements, it could be logically deduced that they should not scratch the applicant's application.

3. The Tribunal directed to consider the applicant's eligibility

and inform the result within three months from the date of communication of the order. The Tribunal also mentioned that if the applicant is otherwise found suitable, the respondents may accordingly issue the order of appointment.

4. We have carefully considered the submissions of the learned counsel appearing for the Union of India. On critical examination of the impugned judgment. In our considered opinion, no interference is called for. The writ petition is accordingly dismissed.

5. We direct the Union of India to communicate the result and issue order of appointment within four weeks from today.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.